

## The Honorable Robert S. Lasnik

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

STATE OF WASHINGTON; et al.,

NO. 2:18-cv-01115-RSL

**Plaintiffs,**

V.

UNITED STATES DEPARTMENT OF  
STATE, et al.,

#### **Defendants.**

**STIPULATED MOTION TO MODIFY  
SUMMARY JUDGMENT BRIEFING  
SCHEDULE**

**NOTE FOR CONSIDERATION:  
APRIL 29, 2019**

## I. STIPULATED MOTION

Pursuant to LCR 7(j) and 10(g), the Plaintiff States and the Federal Defendants submit this stipulated motion to modify the remainder of the summary judgment briefing schedule. The Private Defendants do not oppose the relief requested in this motion.

On March 19, 2019, the Court ordered the Federal Defendants to complete their supplementation of the administrative record and produce a privilege log no later than April 16, 2019. Dkt. # 175 (Order); *see* Dkt. # 179 (Supplemental Record). The Court then granted a stipulated motion to modify the summary judgment briefing schedule to accommodate the April 16, 2019 deadline. Dkt. # 178.

Recently the parties discovered that several hundred entries in the filed privilege log (Dkt. # 179-23) are incomplete. The Federal Defendants indicated they would resolve these issues and file a revised privilege log by May 6, 2019. In addition, the Federal Defendants have

**STIPULATED MOTION TO MODIFY  
SUMMARY JUDGMENT BRIEFING  
SCHEDULE**

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
800 Fifth Avenue, Suite 2000  
Seattle, WA 98104  
(206) 464-7744

filed an unopposed motion to temporarily seal the filed administrative record until no later than May 6, 2019, pending a privilege review of the entire supplemental record. Dkt. # 181.

The States and the Federal Defendants agree that a further two-week extension of the summary judgment briefing schedule is warranted to allow sufficient time for the Federal Defendants to file a revised privilege log, and for the States to evaluate the completed privilege log and final certified administrative record. Currently the States' combined replies and oppositions to Defendants' cross-motions for summary judgment are due on May 10, 2019, and Defendants' replies are due on May 24, 2019. *See* Dkt. # 178. The States and the Federal Defendants request that the Court modify this schedule as follows:

- The States shall file their combined replies and oppositions to Defendants' motions by May 24, 2019.
  - Defendants shall file their replies by June 7, 2019.

DATED this 29th day of April, 2019.

**ROBERT W. FERGUSON**  
Attorney General of Washington

/s/ Jeffrey Rupert  
JEFFREY RUPERT, WSBA #45037  
Division Chief  
TODD BOWERS, WSBA #25274  
Deputy Attorney General  
JEFFREY T. SPRUNG, WSBA #23607  
KRISTIN BENESKI, WSBA #45478  
ZACHARY P. JONES, WSBA #44557  
Assistant Attorneys General  
JeffreyR2@atg.wa.gov  
ToddB@atg.wa.gov  
JeffS2@atg.wa.gov  
KristinB1@atg.wa.gov  
ZachJ@atg.wa.gov  
*Attorneys for Plaintiff State of Washington*

**JOSEPH H. HUNT**  
Assistant Attorney General

**STIPULATED MOTION TO MODIFY  
SUMMARY JUDGMENT BRIEFING  
SCHEDULE**

1 BRETT A. SHUMATE  
2 Deputy Assistant Attorney General

3 JOHN R. GRIFFITHS  
4 Director, Federal Programs Branch

5 ANTHONY J. COPPOLINO  
6 Deputy Director, Federal Programs Branch

7 */s/ Stuart J. Robinson* \_\_\_\_\_  
8 STUART J. ROBINSON  
9 STEVEN A. MYERS  
ERIC J. SOSKIN  
Trial Attorneys  
U.S. Department of Justice  
Civil Division, Federal Programs Branch  
450 Golden Gate Ave.  
San Francisco, CA 94102  
(415) 436-6635 (telephone)  
(415) 436-6632 (facsimile)  
stuart.j.robinson@usdoj.gov

10  
11  
12 *Attorneys for the Federal Defendants*  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

STIPULATED MOTION TO MODIFY  
SUMMARY JUDGMENT BRIEFING  
SCHEDULE

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
800 Fifth Avenue, Suite 2000  
Seattle, WA 98104  
(206) 464-7744

1                   **II. ORDER**  
2

3 Pursuant to the above stipulation, it is so ordered.  
4                   May 2, 2019.  
5

6                   \_\_\_\_\_  
7                   Robert S. Lasnik  
8

9                   THE HONORABLE ROBERT S. LASNIK  
10                  UNITED STATES DISTRICT JUDGE  
11

12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

STIPULATED MOTION TO MODIFY  
SUMMARY JUDGMENT BRIEFING  
SCHEDULE

4

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
800 Fifth Avenue, Suite 2000  
Seattle, WA 98104  
(206) 464-7744

2:18-cv-01115-RSL